

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
DRYWALL TAPERS AND POINTERS OF GREATER :
NEW YORK LOCAL UNION 1974, IUPAT, AFL-CIO, :
: : 18-CV-7568 (JMF)
Petitioner, :
: : MEMORANDUM OPINION
-v- : : AND ORDER
: :
THE MANHATTAN COMPANY OF NEW YORK, :
INC., :
: :
Respondent. :
: :
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JESSE M. FURMAN, United States District Judge:

On July 5, 2018, Petitioner Drywall Tapers and Pointers of Greater New York Local Union 1974, IUPAT, AFL-CIO (the “Union”) filed a Petition to Confirm Arbitration (albeit styled as a “Complaint”). (Docket No. 1). On August 21, 2018, the Court set a briefing schedule for the Union’s submission of any additional materials in support of the Petition, any opposition by Respondent the Manhattan Company of New York, Inc. (“Manhattan”), and the Union’s reply. (Docket No. 6). Pursuant to the briefing schedule, which was subsequently modified, Manhattan’s opposition was due no later than October 5, 2018. (Docket Nos. 10, 13). To date, Manhattan has neither responded to the Petition nor otherwise sought relief from the Award.

The Court must treat the Petition, even though unopposed, “as akin to a motion for summary judgment based on the movant’s submissions.” *Trs. for Mason Tenders Dist. Council Welfare Fund, Pension Fund, Annuity Fund & Training Program Fund v. Capstone Constr. Corp.*, 11-CV-1715 (JMF), 2013 WL 1703578, at *2 (S.D.N.Y. Apr. 19, 2013) (discussing in depth the legal standards for resolving unopposed petitions to confirm arbitration awards). After

reviewing the petition and the supporting materials, the Court finds that there is no genuine issue of material fact precluding summary judgment as to all portions of the Award, as the Arbitrator's decision provides more than "a barely colorable justification for the outcome reached." *Id.* at *3 (internal quotation marks omitted). Nor is there any justification under Section 10(a) of the Federal Arbitration Act for vacating the Award.

Accordingly, the Court grants the Union's unopposed Petition to confirm the entire Award.¹ The Union is directed to file their Proposed Judgment electronically, using the ECF Filing Event "Proposed Judgment," by no later than **November 29, 2018**.

The Clerk of Court is directed to terminate Docket No. 14.

SO ORDERED.

Dated: November 26, 2018
New York, New York



JESSE M. FURMAN
United States District Judge

¹ The Court does not award attorney's fees or prejudgment interest. Although the Petition purports to seek both (*see* Docket No. 1, at 3), the Union does not request either form of relief in its motion or submit any documentation to support an award of attorney's fees.